

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
Plaintiff

v.

66.84 ACRES OF LAND, MORE OR
LESS, SITUATE IN SOUTH NEWTON
AND SOUTHAMPTON TOWNSHIPS,
CUMBERLAND COUNTY,
COMMONWEALTH
OF PENNSYLVANIA,

and

TUMBLING RUN GAME PRESERVE,
and

UNKNOWN OWNERS

Defendants

CIVIL NO. 1:CV-00-1763
(Rambo, J.)
(Smyser, M.J.)

Tract 372-01

FILED
HARRISBURG, PA

MAY 31 2002

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

MOTION FOR EXPEDITED SETTLEMENT CONFERENCE

The United States of America, by and through Thomas A. Marino, United States Attorney for the Middle District of Pennsylvania, hereby moves this Court for an order setting an expedited settlement conference with the Court or, in the alternative, referring this matter for mediation. Counsel for Tumbling Run Game Preserve concurs in the relief requested herein. In support of this motion, the United States avers as follows:

1. The United States of America has brought this eminent domain proceeding at the request of the Department of Interior, National Park Service. The National Park Service seeks to acquire the subject land in fee. The acquisition of said land is required for the proper administration, preservation and development of the Appalachian National Scenic Trail.

2. Defendant Tumbling Run raised a number of defenses to the complaint, including: whether the National Park Service properly determined that taking the subject land is necessary

for the "administration, preservation, and development of the Appalachian Trail for the benefit and enjoyment of the public;" and whether the land is being taken by the United States for a public purpose.

3. The United States moved to strike the defenses raised by Tumbling Run, and its motion was resolved by the Court by order dated June 14, 2001.

4. The parties have exchanged expert appraisals.

5. The United States expects to file motions in limine on June 3, 2002.

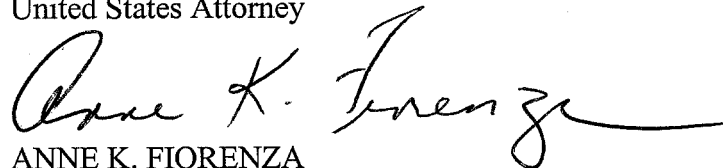
6. The parties believe that the Court's intervention at this stage can bring this matter to an acceptable resolution.

7. The parties also believe that the Court's intervention at this stage, either directly or through referral to a mediator, would conserve resources including the Court's time in resolving pretrial motions.

Wherefore, the United States of America hereby moves this Court for an expedited settlement conference or, in the alternative, for a referral of this case to mediation.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney



ANNE K. FIORENZA
Assistant U.S. Attorney
228 Walnut Street
P.O. Box 11754
Harrisburg, PA 17108-1754
717-221-4482

Dated: May 31, 2002

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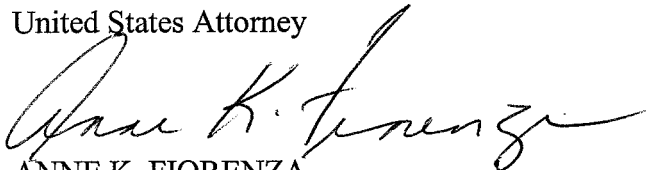
Tract 372-01

CERTIFICATE OF CONCURRENCE

I, Anne K. Fiorenza, hereby certify that I have conferred with Larry Keating, counsel
for defendant Tumbling Run Game Preserve, regarding the relief requested in this motion and he has
authorized me to state that he concurs in the motion.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney


ANNE K. FIORENZA
Assistant U.S. Attorney
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Tract 372-01

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on May 31, 2002, she served the attached

MOTION FOR EXPEDITED SETTLEMENT CONFERENCE

by placing said copies in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Larry Keating
Growth Capital Resources, LLC
80 Abbeyville Road
Lancaster, PA 17603


KIMBERLY A. STEVENS
Paralegal Specialist